

To my knowledge...It is my understanding

It is my understanding from testimony in committee

I think this bill will increase turnout among ALL voters

What my constituents tell me...What I do know...Pu

This is a narrowly designed bill that says you must prove who you say you are by presenting a specific photo ID when showing up at the polls to cast your vote.

This bill is not about citizenship, language, immigration, it is about preserving and protecting the integrity of our election process by showing a photo ID when voting in person

Restores integrity in our election process & returns public confidence that their vote counts

It will help to deter & detect in person voter fraud & modernize the election process

The heart & soul of our republic is the election process. It determines the people who will make decisions which will affect our everyday life

One person one Vote, Duty to protect against fraud,  
Numerous voter polls in the last several years have show  
overwhelming majority of Texans support showing a Photo ID  
before casting a vote

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**VOTER ID BILL SUMMARY**

- CSSB 14 requires voters to provide one of six acceptable photo IDs on election day.
- Exceptions:
  - People 70 or older as of 1/1/2012, may continue to vote with just their voter registration card.
  - Indigent people and people with religious objection to being photographed may cast a provisional ballot on election day and return to the registrar within 6 days to sign an affidavit confirming their exempt status (*Sen. Duncan floor amend*).
  - Voters who are disabled and have provided written documentation from the Social Security Administration or Veteran's Affairs Department verifying they are receiving benefits due to disability, and voter does not have another acceptable form of photo id for voting (*strengthened Sen. Patrick floor amend*).
- Acceptable photo ID includes:
  - TX DL (current or expired no more than 60 days)
  - ID card issued by DPS (current or expired no more than 60 days) - *provided free if requested by a voter and voter does not have another acceptable form of photo id for voting*
  - Military ID (current or expired no more than 60 days)
  - US passport (current or expired no more than 60 days)
  - US citizenship certificate with photo
  - CHL (current or expired no more than 60 days)
- The name on the ID must be "substantially similar" to the name on the voter list (*Sen. Davis floor amend*).
- If a person does not have acceptable ID on election day, they may cast a provisional ballot and return to the voter registrar within six days with acceptable ID and have their ballot counted.
- All election workers must be trained in the new ID requirements. The SOS and counties must provide education and notice in multiple languages to voters, including signs at polling places, written notice included with registration cards, written notice to voters attempting to use unacceptable ID, educational materials on the SOS website, and a statewide education campaign organized by the SOS.
- The criminal penalty for voting fraudulently is increased from a third degree felony (2-10yrs) to a second degree felony (2-20yrs), and the penalty for attempting to fraudulently vote is increased from a Class A misdemeanor (180days max county jail) to a state jail felony (180days-2yrs state jail).
- Changes in CSSB 14 from Senate Version:
  - Disability exemption tightened, must provided written documentation from the Social Security Administration or Veteran's Affairs Department verifying they are receiving benefits due to disability, and voter does not have another acceptable form of photo id for voting.
  - CHL IDs no more than 60 days expired are acceptable, makes consistent with other forms of acceptable ID in bill.
  - Must not have other forms of acceptable ID to get a free DPS ID.
  - Removes Senate floor amendment rendering the bill ineffective if the bill is determined to make an appropriation.
  - Legislative Council technical changes.

## **Impact on Voters**

### **Does this bill reduce minority turnout?**

I think the bill will increase turnout among all voters. In fact in Georgia and Indiana, turnout was up in the election immediately following the implementation of Photo ID.

### **Does this bill discriminate against the elderly and disabled?**

The bill provides exemptions for the disabled or those 70 or over as of 1/1/2012. In addition, voters who are disabled or 65 and older are still able to vote by mail.

## **Exemptions**

### **Why is there an exemption for the elderly?**

In my opinion, and with no disrespect to my active friends that are in their 70s, 80s and 90s, this is considered a time when people become less active... ~~There was testimony in the senate that this was added for a couple Democratic senators~~

### **Does the elderly exemption provide for two classes of voters?**

I believe that there is a legitimate state interest in exempting certain elderly voters from the requirements of Photo ID just like we allow certain classes of voters to vote by mail.

### **Disability Exemption?**

Must have a letter from the Social Security department verifying that you are receiving benefits because you are disabled. Also can have a letter from Veteran's Department verifying you are 50% disabled.

Senator Patrick's amendment, ~~I worked with Advocacy Inc. and interested parties to tighten the exemptions language.~~

### **Indigent and Religious Exemption?**

Senator Duncan floor amendment which mirrors language in Indiana's law, which was upheld by the Supreme Court.

## **Fraud/Election Integrity**

### **How do you know there is fraud occurring?**

Under current law, we do not have the tools necessary to stop in-person voter fraud. In fact, in-person voter fraud may not even be evident until AFTER the election has occurred. Also, we have heard from many witnesses over the last couple of sessions who have testified that voter impersonation, in which people's IDs or voter-registration cards have been stolen and false votes had been cast in those persons' names, is not uncommon.

### **Voter Fraud?**

Almost impossible to detect and prosecute under current laws. Numerous media stories the voter fraud is a problem.

## ID Forms

### Does this bill provide for free ID?

Yes, DPS must provide a free id to registered voters, who do not already have an acceptable form of identification.

### Do we know the number of people on the voter registration roll that do not have a DL or SSN?

I am convinced that voters will have access to proper ID. Testimony in committee showed... refer to email from SOS.

*See Secretary of State for*

### Why only <sup>6/5</sup> ~~six~~ forms of ID?

It is less confusing and simpler for both voters and election workers. There is a standardization of the forms of ID.

### Student ID's? What about accepting out of state driver's licenses?

We believe the ~~6~~ types of Photo ID's we are offering are more uniform and less confusing. These documents have standardization of form.

They are simpler for the voters and election poll workers to recognize.

### How to get a voter ID if you live a long distance to drive to get a TDL?

15 Million TDL 750,000 ID's. Very small number and ~~the mail in ballot is still available.~~

## **Preclearance / Constitutionality**

### **Preclearance / Section 5 Questions?**

We are a Section 5 Voter rights state (like Georgia) and we are subject to those Rules. SB 14 is similar to Georgia's photo id law which was approved by the US Department of Justice, and Indiana's photo id law which was upheld by the Supreme Court.

### **Isn't this bill unconstitutional? More restrictive than Indiana's Law?**

It is my belief that SB 14 is constitutional. We are offering a bill that is in compliance with the US Supreme Court decision which upheld the Indiana Voter ID legislation because, it deters and detects fraud, it protects public confidence in elections, it counts only eligible voters' votes. Furthermore, although voter ID laws in other states have been heavily litigated, plaintiffs have been unable to produce a single individual who either did not have an ID or could not easily find one.

Plus, it complies with the Supreme Court decision because it offsets the new requirements on voters by:

- Providing access to free photo ID cards
- Allowing for provisional ballots and absentee ballots
- Ensuring that obtaining photo ID is no more burdensome or inconvenient than the usual act of voting
- Provides exceptions for elderly, disabled, or indigent voters

### **Case History**

Georgia ID Law - Specific types of ID

4 years of court cases

1/09 11th Circuit Court of Appeal

6/09 US Supreme Court Denied

3/11 Georgia Supreme Court upheld

Indiana ID Law - Any form of ID that meets certain requirements

4/08 US Supreme Court upheld Indiana Law

**Miscellaneous**

**How will the training/education program work?**

Those decisions will be made by the SOS office. This type of training is something they currently do.

**6 Day cure for a provisional ballot?**

Georgia 2 days, Indiana 10 days, TEXAS 6 Days

For cure they must provide an acceptable photo ID and their ballot will be counted

**Same Day Registration?**

Bill does not provide for same day registration

Not a proper  
forum  
for this  
Debate

**Birth Certificate?**

Current Photo ID

**Picture on Voter Registration Certification, is that a better solution?**

This proposal has been discussed, and I believe legislation has been filed addressing this.

Testimony Not equipment at County level to do this - Expense to enact  
**Vote saving affidavit to protect disenfranchised voters without photo id?**

I believe the bill provides the necessary protections for voters who are unable to obtain a photo identification. Anyone could forge a signature, vote, and leave undetected. ~~There is no way to trace the forgery back to the person.~~

~~This Difficult to trace~~



**What purpose does the voter certificate now serve with the bill? Isn't it unnecessary?**

The voter certificate will continue to be an acceptable form of ID for voters over 70 ...Also spells out persons precinct, which is helpful when voting on election day

**If I am on the voter registration rolls and have a photo ID do I need a photo voter ID Card?**

No

**Types of education to be done?**

The bill provides for extensive voter and poll worker education. SOS testimony in committee was that they will update their online training materials to assist with educating poll workers on the new requirements.

**Increasing discretion for poll workers?**

Already poll worker discretion, see Election Code Section 63.0101 - entitled "Documentation of Proof of ID"

Johnathon

**Voter ID Differences**

- SEC 1 - Disability Definition - House better, but . . .
- SEC 5 - Voter ID identification target at low-income voters (OAG dislikes)
- SEC 9 - Hochberg amendment . . . Governor veto of HB 1457
- SEC 9 - Davis amendment - Provisional ballot counted . . . SOS says hard to administrate
- SEC 9 - Over 70 as of 1-1-12 exemption (Two class of voters?)
- SEC 9 - Disability exemption (Two class of voters? If you can make it to polls, why can't you make it to DPS?)
- SEC 9 - Eiland amendment - natural disaster - too broad . . . who leaves without id?
- SEC 9 - Giddings amendment - stolen identity does NOT mean stolen id
- SEC 14 - Tribal ID - too broad and easy to be faked
- SEC 14 - ID approved by state - too broad and easy to be faked
- SEC 15 - Gonzalez amendment - GUTS photo-id at the polling place
- SEC 17 - 6 Day option to cast provisional ballot
  - Senate - exemption for indigent (is it necessary?) / religious (OAG likes)
  - House - bring photo-id back (Senate filed language)
- SEC 18 - Tied to decision in SEC 17
- SEC \_\_\_ - Lucio amendment - One day temporary ID -- too expensive / easy to fake
- SEC \_\_\_ - Anchia amendment - Not necessary / too expensive
- SEC \_\_\_ - Bonnen amendment - Severability (OAG likes) ✓

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## **About More Restrictive Bill**

### **What are you trying to accomplish with this bill?**

This bill is about restoring integrity in our election process and returning public confidence that their legitimate vote counts. It will help deter and detect in-person voter fraud, and it will modernize our election process.

### **Why is this bill different from the bills last session?**

We have had two additional years to see Photo ID working in other states and two additional years to hear continued public concern on the integrity of the ballot box. Only a true photo ID bill can deter and detect fraud at the polls and can protect the public's confidence in elections. Plus, I believe that Photo ID is simpler and less confusing for the voters.

### **Why doesn't this bill phase-in over two election cycles?**

The bill would not take effect until January 2012 (the first election would be March 2012), and the bill requires education efforts by the counties and the Secretary of State. Also, over 80 percent of voters support this change in law. That tells me that voters do not need a phase-in in order to be compliant with the law. Plus, we do allow for a provisional ballot to be cast and counted so voters have two opportunities to get their ballot cast.

### **More restrictive different bill?**

2 additional years to see Photo ID working in other states and 2 additional years to hear from my constituents that a photo voter ID bill is something they expect this legislative body to pass.

FA13 - Eiland



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

Eiland

1 Amend C.S.S.B. No. 14 (house committee printing) as  
2 follows:

3 (1) In SECTION 9 of the bill, in added Section 63.001(h),  
4 Election Code (page 6, line 20), strike "or".

5 (2) In SECTION 9 of the bill, following added Section  
6 63.001(h)(2), Election Code (page 6, line 23), between  
7 "15.001(c)" and the period, insert the following:

8 ; or

9 (3) executes an affidavit under penalty of perjury  
10 that asserts the voter does not have identification meeting the  
11 requirements of Subsection (b) as a result of a natural disaster  
12 declared by the president of the United States or the governor



*John Edwards* *Robt Miller* *Angie de la Cruz*  
*Branch Cofitz* *Janin* *Robert St. George* *James Taylor* *Phil Nye*

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

1 Amend C.S.S.B. No. 14 (House committee printing) as

2 follows:

3 (1) Strike SECTION 17 of the bill (page 11, line 24,  
4 through page 12, line 20) and substitute the following:

5 SECTION 17. Section 65.054(b), Election Code, is amended  
6 to read as follows:

7 (b) A provisional ballot shall ~~may~~ be accepted ~~only~~ if  
8 the board determines that:

9 (1) [ ] from the information in the affidavit or  
10 contained in public records, the person is eligible to vote in  
11 the election and has not previously voted in that election; and

12 (2) the person meets the identification requirements  
13 of Section 63.001(b) at the time the ballot was cast or in the  
14 period prescribed under Section 65.0541.

15 (2) In SECTION 18 of the bill, strike added Section  
16 65.0541(a), Election Code (page 12, line 24, through page 13,  
17 line 4) and substitute the following:

18 (a) A voter who is accepted for provisional voting under  
19 Section 63.011 because the voter does not meet the  
20 identification requirements of Section 63.001(b) may, not later  
21 than the sixth day after the date of the election, present a  
22 form of identification described by Section 63.0101 to the voter  
23 registrar for examination.

*Debbie Redder* *Van Taylor* *James Taylor* *Barbara Nash*  
*Wayne Sims* *Alber Beck* *Stacy Carter* *David Schubert*

F-45 - Ancha



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

1 Amend C.S.S.B. No. 14 by adding the following appropriately  
2 numbered section and by renumbering the existing sections as  
3 appropriate:

4 SECTION \_\_\_\_ Section 521.424, Transportation Code, is  
5 amended to read as follows:

6 Sec. 521.424. DUPLICATE LICENSE OR CERTIFICATE FEE. (a)  
7 Except as provided by Subsection (b), the [The] fee for a  
8 duplicate driver's license or duplicate personal identification  
9 certificate is \$10.

10 (b) The department may not collect a fee for a duplicate  
11 personal identification certificate from a person who meets the  
12 requirements of Section 521.422(d).

DPS - FAX - Arriaga

## Colby Beuck

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**From:** Trumble, Rhonda [Rhonda.Trumble@txdps.state.tx.us]  
**Sent:** Thursday, March 24, 2011 11:27 AM  
**To:** Colby Beuck  
**Cc:** Davio, Rebecca; Arriaga, Amanda  
**Subject:** FW: SB 14 Question

Colby,

Below is the information Assistant Director Rebecca Davio asked me to forward to you. As I told you on the phone, if you need anything further, just let us know.

Thank you,

Rhonda S. Trumble  
Assistant Chief  
Office of Government Relations  
Texas Department of Public Safety  
(512) 424-2037

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**From:** Riemenschneider, Brian  
**Sent:** Thursday, March 24, 2011 09:29 AM  
**To:** Davio, Rebecca  
**Subject:** RE: SB 14

Although the fee provision in SB 14 (TRC § 521.422) that allows for a free ID for voting purposes is different than the statute for duplicate transactions (TRC § 521.424), the provision in SB 14 is specific enough to require the Department to not charge a fee for a duplicate ID in which the applicant "states that the person is obtaining the [ID] for the purpose of satisfying Section 63.001(b), Election Code" and registers to vote again under the new address. (See Gov't Code § 311.026).

↑ ie. makes no difference

Brian J. Riemenschneider  
Assistant General Counsel  
Texas Department of Public Safety  
(512) 424-7679

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**From:** Davio, Rebecca  
**Sent:** Wednesday, March 23, 2011 7:39 PM  
**To:** Adkins, Phillip; Riemenschneider, Brian  
**Cc:** Arriaga, Amanda; DPS Government Relations; Terry, Michael; Smith, Janie  
**Subject:** SB 14

Rep. Harless called me tonight and asked a question about an amendment that they are adding to Voter ID.

The question is "If someone needs a duplicate ID because they have moved or changed their name, do they still get a free ID, if they don't have any other form of acceptable identification?"

I told them I would need to get some legal feedback before I could answer definitively.



F A 5 - Hochberg

FLOOR AMENDMENT NO. \_\_\_\_\_

BY:

Hochberg

- 1 Amend C.S.S.B. No. 14 on page 5, line 14, by inserting
- 2 "under standards adopted by the secretary of state" between
- 3 "list" and the comma.



FA7 - Bonnem

FLOOR AMENDMENT NO.

BY:

1 Amend C.S.S.B. No. 14 (house committee printing) in SECTION 9  
2 of the bill, in added Section 63.001(h), Election Code (page 6,  
3 lines 17-21), by striking the following:  
4 :

5                    (1) was 70 years of age or older on January 1, 2012, as  
6 indicated by the date of birth on the voter's voter registration  
7 certificate; or

8 (2)



820126

82R16133 JRJ-D

FA10 - Yvonne Davis



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Y Davis

1 Amend C.S.S.B. No. 14 (House committee printing) by  
2 striking lines 12 through 14 of page 6 and substituting the  
3 following:

4 (D) includes notice that if all procedures are  
5 followed and the voter is found to be eligible to vote in the  
6 election, the voter's provisional ballot will be counted.

FA32 - Dukes



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: T Duke

- 1 Amend C.S.S.B 14 on page 13, line 27, by striking "may" and
- 2 substituting "shall".

SA48 - Bonnen



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: 

1 Amend C.S.S.B. No. 14 (house committee printing) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering the remaining SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Every provision in this Act and every  
5 application of the provisions in this Act are severable from each  
6 other. If any application of any provision in this Act to any  
7 person or group of persons or circumstances is found by a court to  
8 be invalid, the remainder of this Act and the application of the  
9 Act's provisions to all other persons and circumstances may not be  
10 affected. All constitutionally valid applications of this Act  
11 shall be severed from any applications that a court finds to be  
12 invalid, leaving the valid applications in force, because it is the  
13 legislature's intent and priority that the valid applications be  
14 allowed to stand alone. Even if a reviewing court finds a provision  
15 of this Act invalid in a large or substantial fraction of relevant  
16 cases, the remaining valid applications shall be severed and  
17 allowed to remain in force.